

UNITED STATES BANKRUPTCY COURT, WESTERN DISTRICT OF WISCONSIN

www.wiwb.uscourts.gov**CHAPTER 13 PLAN (Individual Adjustment of Debts)**

- ☒ Original Plan
☐ Amended Plan (Indicate 1st, 2nd, etc. Amended, if applicable)
☐ Modified Plan (Indicate 1st, 2nd, etc. Modified, if applicable)

DEBTOR: Scott Patrick Simmons JOINT DEBTOR: Teresa Lynn Simmons CASE NO.: _____
 SS#: xxx-xx-8799 SS#: xxx-xx-4355

I. NOTICES

- To Debtors: Plans that do not comply with local rules and judicial rulings may not be confirmable. All plans, amended plans and modified plans shall be served upon all creditors and a certificate of service filed with the Clerk pursuant to Local Rules 3015-1, 3015-2, and 3015-3.
- To Creditors: Your rights may be affected by this plan. You must file a timely proof of claim in order to be paid. Your claim may be reduced, modified or eliminated.
- To All Parties: The plan contains no nonstandard provisions other than those set out in paragraph VIII. Debtor(s) must check one box on each line listed below in this section to state whether the plan includes any of the following:

The valuation of a secured claim, set out in Section III, which may result in a partial payment or no payment at all to the secured creditor	<input checked="" type="checkbox"/> Included	<input type="checkbox"/> Not included
Avoidance of a judicial lien or nonpossessory, nonpurchase-money security interest, set out in Section III	<input checked="" type="checkbox"/> Included	<input type="checkbox"/> Not included
Nonstandard provisions, set out in Section VIII	<input checked="" type="checkbox"/> Included	<input type="checkbox"/> Not included

TO ALL PARTIES:

Unless otherwise provided for in this plan, the Trustee shall disburse payments in the following order: administrative expenses including trustee and attorney fees, secured claims, priority claims, general unsecured claims.

II. PLAN PAYMENTS, LENGTH OF PLAN AND DEBTOR(S)' ATTORNEY'S FEE

- A. MONTHLY PLAN PAYMENT:** This Plan pays for the benefit of the creditors the amounts listed below, including trustee's fees beginning 30 days from the filing/conversion date. Debtor(s) will make payments by employer wage order, unless otherwise specified herein. The payments must be made for the Applicable Commitment Period, either 36 or 60 months, or for a shorter period that is sufficient to pay allowed nonpriority unsecured claims in full.

1. \$ 880 for 48 months;
2. Federal tax refunds in excess of \$3500 starting in 2024 with 2023 tax returns

The total amount of estimated payments to the trustee: **\$42,240.00**

Debtor will pay \$440 semi-monthly for 48 months. Wage garnishment to placed on Debtor's employer only.

B. DEBTOR(S)' ATTORNEY'S FEE: ☐ NONE ☐ PRO BONO

Total Fees: <u>\$4,000.00</u>	Total Paid: <u>\$1,000.00</u>	Balance Due: <u>\$3,000.00</u>
Payable <u>Upon confirmation of Plan</u>		

Debtor(s): **Scott Patrick Simmons**
Teresa Lynn Simmons Case number:

III. TREATMENT OF SECURED CLAIMS

A. SECURED CLAIMS: ☐ NONE

[Retain Liens pursuant to 11 U.S.C. §1325(a)(5)] Mortgage(s)/Lien on Real or Personal Property:

1 Creditor: **Leo and Lois Yrjanainen**
Address: Payoff on Petition Date **\$67,210.00**
PO Box 115
Lake Nebagamon, WI 54849
Regular Payment **\$887.00 /month**
(Direct by Debtors)

Account No.:

Other:

☒ Real Property

☒ Principal Residence

☐ Other Real Property

Check one below for Real Property:

☐ Escrow is included in the regular payments

☒ The debtor(s) will pay ☒ taxes ☒ insurance directly

Address of Collateral:

11426 East 3rd Street,
Lake Nebagamon, WI 54849

☐ Personal Property/Vehicle

Description of Collateral:

2 Creditor: **Douglas County Treasurer**
Address: Arrearage on Petition Date **\$4,556.00**
1313 Belknap St
Room 102
Superior, WI 54880

Payment

Post-Confirmation payments pro rata plus 12%
interest by Trustee's office

Account No.:

Account No:
1460118000

Other:

☒ Real Property

☒ Principal Residence

☐ Other Real Property

Check one below for Real Property:

☐ Escrow is included in the regular payments

☐ The debtor(s) will pay ☐ taxes ☐ insurance directly

Address of Collateral:

☒ Personal Property/Vehicle

Description of Collateral: **11426 East 3rd Street Lake Nebagamon, WI 54849 Douglas County**

Debtor(s): **Scott Patrick Simmons**
Teresa Lynn Simmons Case number:

B. VALUATION OF COLLATERAL: ☐ NONE

IF YOU ARE A SECURED CREDITOR LISTED BELOW, THE PLAN SEEKS TO VALUE THE COLLATERAL SECURING YOUR CLAIM IN THE AMOUNT INDICATED, A SEPARATE MOTION WILL ALSO BE SERVED UPON YOU PURSUANT TO BR 7004 AND LR 3015-1.

1. REAL PROPERTY: ☒ NONE

2. VEHICLE(S): ☐ NONE

<p>1. Creditor: <u>Ally</u> Address: <u>PO Box 380903</u> <u>Minneapolis, MN</u> <u>55438-0903</u></p> <p>Account No.: _____ VIN: <u>1FTFW1EF6EFC36345</u> Description of Collateral: <u>2014 Ford F150 Super Cab XLT</u></p> <p>Check one below: <input checked="" type="checkbox"/> Claim incurred 910 days or more pre-petition <input type="checkbox"/> Claim incurred less than 910 days pre-petition</p>	<p>Value of Collateral: <u>\$16,553.00</u> Amount of Creditor's Lien: _____</p> <p><u>\$19,600.00</u> Interest Rate: <u>9.00%</u></p>	<p><u>Payment</u> Payment by <u>Post-Confirmation</u> Trustee's Office <u>payments based on</u> <u>Value of Collateral:</u> <u>Pro Rata w/interest</u></p> <p>Adequate Protection Payment: <u>\$487.75</u></p>
<p>2. Creditor: <u>OneMain</u> Address: <u>ATTN Bankruptcy</u> <u>PO Box 3251</u> <u>Evansville, IN 47731</u></p> <p>Account No.: _____ VIN: <u>3FA6P0H78GR387372</u> Description of Collateral: <u>2016 Ford Fusion 169,XXX miles</u></p> <p>Check one below: <input checked="" type="checkbox"/> Claim incurred 910 days or more pre-petition <input type="checkbox"/> Claim incurred less than 910 days pre-petition</p>	<p>Value of Collateral: <u>\$7,048.00</u> Amount of Creditor's Lien: _____</p> <p><u>\$11,737.00</u> Interest Rate: <u>9.00%</u></p>	<p><u>Payment</u> Payment by <u>Post-Confirmation</u> Trustee's Office <u>payments based on</u> <u>Value of Collateral:</u> <u>Pro Rata w/interest</u></p> <p>Adequate Protection Payment: <u>\$292.08</u></p>

3. PERSONAL PROPERTY: ☐ NONE

<p>1. Creditor: <u>Preferred Credit, Inc.</u> Address: <u>PO Box 1970</u> <u>Saint Cloud, MN</u> <u>56302-1970</u></p> <p>Account No.: <u>06</u> Description of Collateral: <u>Rainbow Vacuum</u></p> <p>Check one below: <input checked="" type="checkbox"/> Claim incurred 1 year or more pre-petition <input type="checkbox"/> Claim incurred less than one year pre-petition</p>	<p>Value of Collateral: <u>\$250.00</u> Amount of Creditor's Lien: <u>\$2,639.00</u></p> <p>Interest Rate: <u>9.00%</u></p>	<p><u>Payment</u> Payment by <u>Post-Confirmation</u> Trustee's Office <u>payments based on</u> <u>Value of Collateral:</u> <u>Pro Rata w/interest</u></p>
---	--	---

Debtor(s): Scott Patrick Simmons
Teresa Lynn Simmons Case number:

C. LIEN AVOIDANCE ☒ NONE

D. SURRENDER OF COLLATERAL: Secured claims filed by any creditor granted stay relief in this section shall not receive a distribution from the Chapter 13 Trustee.

☒ NONE

☐ The debtor(s) elect to surrender to each secured creditor listed below the collateral that secures the creditor's claim. The debtor(s) request that upon confirmation of this plan the automatic stay be terminated in rem as to the debtor(s) and in rem and in personam as to any codebtor(s) as to these creditors.

☐ Other:

E. DIRECT PAYMENTS:

☐ NONE

☒ The debtor(s) elect to make current payments directly to each secured creditor listed below. Nothing herein is intended to terminate or abrogate the debtor(s)' state law contract rights.

	Name of Creditor	Account No.	Description of Collateral (Address, Vehicle, etc.)
1.	Leo and Lois Yrjanainen		11426 East 3rd Street, Lake Nebagamon, WI 54849
2.	Douglas Co Treasurer		Debtors will pay property taxes as they become due starting 2024 (for 2023)

IV. TREATMENT OF FEES AND PRIORITY CLAIMS [as defined in 11 U.S.C. §507 and 11 U.S.C. §1322(a)(4)]

A. ADMINISTRATIVE FEES OTHER THAN DEBTORS(S)' ATTORNEY'S FEE: ☐ NONE

Trustee Fee

B. PRIORITY TAX CLAIMS: ☒ NONE

C. DOMESTIC SUPPORT OBLIGATION(S): ☒ NONE ☐ CURRENT AND PAID OUTSIDE

D. OTHER: ☒ NONE

V. TREATMENT OF UNSECURED NONPRIORITY CREDITORS

A. Pay Pro Rata w/no interest /month

Pro rata dividend will be calculated by the Trustee upon review of filed claims after bar date.

B. ☐ If checked, the Debtor(s) will amend/modify to pay 100% to all allowed unsecured nonpriority claims.

C. SEPARATELY CLASSIFIED: ☒ NONE

VI. EXECUTORY CONTRACTS AND UNEXPIRED LEASES: Secured claims filed by any creditor/lessor granted stay relief in this section shall not receive a distribution from the Chapter 13 Trustee.

☒ NONE

VII. INCOME TAX RETURNS AND REFUNDS: ☐ NONE

Tax returns to be provided upon Trustee request

Federal tax refunds in excess of \$3500 shall be turned over to the Trustee starting in 2024 with 2023 tax returns

VIII. NON-STANDARD PLAN PROVISIONS: ☐ NONE

Wage garnishment for Plan payment shall be deducted from Debtor's wages only in the amount of \$440.00 semi-monthly.

PROPERTY OF THE ESTATE WILL VEST IN THE DEBTOR(S) UPON PLAN CONFIRMATION.

Debtor(s): Scott Patrick Simmons
Teresa Lynn Simmons Case number:

I declare that the foregoing chapter 13 plan is true and correct under penalty of perjury.

<u>/s/ Scott Patrick Simmons</u>	Debtor	<u>March 25, 2023</u>	<u>/s/ Teresa Lynn Simmons</u>	Joint Debtor	<u>March 25, 2023</u>
<u>Scott Patrick Simmons</u>		Date	<u>Teresa Lynn Simmons</u>		Date

<u>/s/ Peter C. Greenlee, Esq.</u>	<u>March 25, 2023</u>
<u>Peter C. Greenlee, Esq.</u>	Date

Attorney with permission to sign on Debtor(s)' behalf

By filing this document, the Attorney for Debtor(s) or Debtor(s), if not represented by counsel, certifies that the wording and order of the provisions in this Chapter 13 plan are identical to those contained in Local Form Chapter 13 Plan and the plan contains no nonstandard provisions other than those set out in paragraph VIII.

In re:
Scott Patrick Simmons
Teresa Lynn Simmons
Debtors

Case No. 23-10440-rmb
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0758-1
Date Rcvd: Mar 27, 2023

User: eADluser
Form ID: pdf803

Page 1 of 3
Total Noticed: 44

The following symbols are used throughout this certificate:

Symbol	Definition
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.
^	Addresses marked '^' were sent via mandatory electronic bankruptcy noticing pursuant to Fed. R. Bank. P. 9036.
#	Addresses marked '#' were identified by the USPS National Change of Address system as requiring an update. While the notice was still deliverable, the notice recipient was advised to update its address with the court immediately.

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Mar 29, 2023:

Recip ID	Recipient Name and Address
db/jdb	+ Scott Patrick Simmons, Teresa Lynn Simmons, 11426 East 3rd Street, Lake Nebagamon, WI 54849-9235
5043529	Aramark, 115 N First St, Suite 203, Burbank, CA 91502-1857
5043530	#+ Badger Liquor, 5400 Old Town Hall Rd, Eau Claire, WI 54701-8931
5043531	+ Bill's Distributing, Ltd, Jason Stanislawski, 5900 Packer Drive NE, Menomonie, WI 54751-4940
5043532	+ Brightspeed, PO Box 2159, Fayetteville, NC 28302-2159
5043539	+ COMO Oil & Propane, 5820 Old Hwy 61, Duluth, MN 55810-2118
5043533	+ Callaway Golf, 2180 Rutherford Rd, Carlsbad, CA 92008-7328
5043534	+ Candace Simmons, 325 N 28th Street, #104, Superior, WI 54880-5561
5043541	+ Dahlberg Light & Power, 9221 East Main St, Solon Springs, WI 54873-8051
5043543	+ Douglas County Treasurer, Acct No 1460118000, 1313 Belknap St, Room 102, Superior, WI 54880-2781
5043544	+ Great Lakes Alarm, 5105 Morris Thomas Rd, Duluth, MN 55810-9718
5043549	+ Leo and Lois Yrjanainen, PO Box 115, Lake Nebagamon, WI 54849-0115
5043550	Minnesota Department of Revenue, Bankruptcy Section, PO Box 64447-BKY, Saint Paul, MN 55164-6378
5043553	+ Northland Fire and Safety, 2213 E 5th St, Superior, WI 54880-3708
5043557	+ Peter Clark, 4025 Overlook Lane, Superior, WI 54880-4044
5043559	+ Republic Services, 405 Industrial Park Rd, Ashland, WI 54806-2530
5043560	+ Scott Wallin CPA, 2221 E 5th St, Superior, WI 54880-3708
5043561	+ Shift4, 2202 Irving St, Allentown, PA 18109-9554
5043562	+ Superior Beverages, 12 Randy Johnson St, Superior, WI 54880-5522
5043563	+ Tri-Mart Corporation, PO Box 308, Menomonie, WI 54751-0308
5043564	+ Twin Ports Custom Climate, 1318 Oakes Ave, Superior, WI 54880-1430

TOTAL: 21

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI). Electronic transmission is in Eastern Standard Time.

Recip ID	Notice Type: Email Address	Date/Time	Recipient Name and Address
5043526	+ Email/Text: backoffice@affirm.com	Mar 27 2023 19:22:00	Affirm, Inc., Acct No ZZ6WXXXX, PO Box 720, San Francisco, CA 94104-0720
5043527	+ Email/Text: bankruptcynotices@afterpay.com	Mar 27 2023 19:22:00	Afterpay, 760 Market St, Floor 2, San Francisco, CA 94102-2402
5043528	Email/Text: ally@ebn.phinsolutions.com	Mar 27 2023 19:21:00	Ally, PO Box 380903, Minneapolis, MN 55438-0903
5043536	Email/PDF: AIS.cocard.ebn@aisinfo.com	Mar 27 2023 19:27:54	Capital One, Acct No 517805, PO Box 30285, Salt Lake City, UT 84130-0285
5043535	Email/PDF: AIS.cocard.ebn@aisinfo.com	Mar 27 2023 19:27:54	Capital One, Acct No 7805, PO Box 30285, Salt Lake City, UT 84130-0285
5043537	+ Email/Text: bmg.bankruptcy@centurylink.com	Mar 27 2023 19:22:00	CenturyLink Bankruptcy, 359 Bert Kouns, Shreveport, LA 71106-8124
5043538	Email/Text: BNC-ALLIANCE@QUANTUM3GROUP.COM		

District/off: 0758-1

User: eADluser

Page 2 of 3

Date Rcvd: Mar 27, 2023

Form ID: pdf803

Total Noticed: 44

		Mar 27 2023 19:22:00	Comenity Bank, Acct No 8717, Bankruptcy Department, PO Box 182125, Columbus, OH 43218-2125
5043540	+ Email/PDF: creditonebknotifications@resurgent.com	Mar 27 2023 19:27:50	Credit One, Acct No 444796, PO Box 98873, Las Vegas, NV 89193-8873
5043542	Email/Text: G06041@att.com	Mar 27 2023 19:22:00	DirecTV, PO Box 6550, Greenwood Village, CO 80155
5043546	Email/Text: sbse.cio.bnc.mail@irs.gov	Mar 27 2023 19:22:00	IRS, PO Box 7346, Philadelphia, PA 19101-7346
5043545	+ Email/Text: GenesisFS@ebn.phinsolutions.com	Mar 27 2023 19:22:00	Indigo - Celtic Bank, Acct No 7319, PO Box 4499, Beaverton, OR 97076-4499
5043547	Email/Text: customerservice.us@klarna.com	Mar 27 2023 19:22:00	Klarna, 629 N High St, Suite 300, Columbus, OH 43215
5043548	^ MEBN	Mar 27 2023 21:06:20	LendingPoint, LLC, Acct No 005, 1201 Roberts Blvd NW, Suite 200, Kennesaw, GA 30144-3612
5043551	Email/PDF: pa_dc_claims@navient.com	Mar 27 2023 19:27:54	Navient Solutions, Inc., Acct No 4355, PO Box 9500, Wilkes Barre, PA 18773-9500
5043552	Email/PDF: ADVS_EBN_BKR_AUTO@advs.aidvantage.com	Mar 27 2023 19:27:54	Navient Solutions, LLC on behalf of, Acct No 8799, Department of Education Loan Services, PO Box 9635, Wilkes Barre, PA 18773-9635
5043555	+ Email/PDF: cbp@onemainfinancial.com	Mar 27 2023 19:27:42	OneMain, ATTN Bankruptcy, PO Box 3251, Evansville, IN 47731-3251
5043554	+ Email/PDF: cbp@onemainfinancial.com	Mar 27 2023 19:27:55	OneMain, Acct No 322530, 3712 Tower Ave, Suite G, Superior, WI 54880-5398
5043610	+ Email/PDF: rmscedi@recoverycorp.com	Mar 27 2023 19:27:44	PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
5043558	Email/Text: banko@preferredcredit.com	Mar 27 2023 19:22:00	Preferred Credit, Inc., Acct No 06, PO Box 1970, Saint Cloud, MN 56302-1970
5043556	+ Email/Text: kim.clifton@pfgc.com	Mar 27 2023 19:22:48	Performance Food Services, 12500 West Creek Pkwy, Richmond, VA 23238-1110
5043566	Email/Text: bknotice@upgrade.com	Mar 27 2023 19:21:00	Upgrade, Acct No 14091, 2 N Central Ave, FL 10, Phoenix, AZ 85004
5043565	Email/Text: bknotice@upgrade.com	Mar 27 2023 19:21:00	Upgrade, Acct No 14091, 275 Battery St, 23rd Floor, San Francisco, CA 94111
5043567	Email/Text: DORBANKRUPTCYSPECIALIST@WISCONSIN.GOV	Mar 27 2023 19:22:00	Wisconsin Department of Revenue, P.O. Box 8901, Madison, WI 53708-8901

TOTAL: 23

BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, *duplicate of an address listed above, *P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

Recip ID	Bypass Reason	Name and Address
cr	*+	PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021

TOTAL: 0 Undeliverable, 1 Duplicate, 0 Out of date forwarding address

NOTICE CERTIFICATION

I, Gustava Winters, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the

District/off: 0758-1

User: eADluser

Page 3 of 3

Date Rcvd: Mar 27, 2023

Form ID: pdf803

Total Noticed: 44

complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Mar 29, 2023

Signature: /s/Gustava Winters

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on March 25, 2023 at the address(es) listed below:

Name	Email Address
Peter C. Greenlee	on behalf of Joint Debtor Teresa Lynn Simmons OfficeofGreenleeLaw@gmail.com
Peter C. Greenlee	on behalf of Debtor Scott Patrick Simmons OfficeofGreenleeLaw@gmail.com
U.S. Trustee's Office	USTPRegion11.MD.ECF@usdoj.gov

TOTAL: 3